

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO.
AUBREY LEE PRICE, <i>et al.</i> ,	:	1:12-CV-2296-TCB
Defendants.	:	
	:	

UNOPPOSED MOTION TO RELEASE PROPERTY

COMES NOW, Amerisave Mortgage Corporation (hereinafter “Amerisave”) and with consent from the Receiver hereby moves the Court to release the real property known as 4616 Rainwood Circle, Valdosta, Georgia 31602 (hereinafter the “Property”) from the Receivership Estate showing the Court as follows:

1.

Amerisave holds a first priority security interest in the Property by virtue of a security deed from Aubrey L. Price to Mortgage Electronic Registration Systems, Inc. as nominee for Amerisave dated May 24, 2012 given as security for a purchase money loan in the amount of \$229,900.00. MERS assigned its interest in the security deed to Amerisave on May 30, 2014. Copies of the security deed and assignment are attached hereto as Exhibit A and incorporated herein by reference.

2.

The Amerisave loan is in default. Upon information and belief, the Property is unoccupied.

3.

Amerisave intends to initiate foreclosure proceedings but has been prevented from doing so by the Court's order appointing the Receiver and freezing Aubrey Lee Price's assets (Doc. 20).

4.

The Receiver has determined, after extensive marketing of the Property for sale and an analysis of comparable residential properties in the area and similar residential communities, that there is no equity in the Property that the Receivership Estate would realize from the sale of the Property.

5.

Amerisave and the Receiver have agreed to remove the Property from the Receivership Estate so that Amerisave may proceed with foreclosure.

6.

Counsel for the Securities and Exchange Commission has reviewed this motion and indicated to the Receiver that it has no objection to the relief sought herein.

7.

A proposed order is attached hereto as Exhibit B.

WHEREFORE Amerisave, with consent of the Receiver, asks the Court to remove the Property from the Receivership Estate created in this action so that Amerisave, its successors and assigns, may proceed to assert its state law and contract rights in the Property, including foreclosure pursuant to the terms of the Amerisave security deed.

This 9th day of February, 2015.

Respectfully submitted,

/s/ Wm. Matthew Suber
Wm. Matthew Suber
Georgia Bar No. 153002
Attorney for Amerisave Mortgage Corporation
Butler & Hosch, P.A.
1303 Hightower Trail, Suite 315
Sandy Springs, Georgia 30350
678-298-2117
770-874-9622 fax
msuber@closingsouce.net

Consented to by:

/s/ Kenneth Dante Murena
Kenneth Dante Murena by Wm. Matthew Suber with express permission
Florida Bar No. 147486
Attorney for the Receiver

LOCAL RULE 7.1(D) CERTIFICATE

I hereby certify that the foregoing document has been prepared in Times New Roman, 14 point font.

/s/ Wm. Matthew Suber

Wm. Matthew Suber
Georgia Bar No. 153002
Attorney for Amerisave Mortgage Corporation
Butler & Hosch, P.A.
1303 Hightower Trail, Suite 315
Sandy Springs, Georgia 30350
678-298-2117
770-874-9622 fax
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CERTIFICATE OF SERVICE

This is to certify that I have electronically served a copy of the foregoing
UNOPPOSED MOTION TO RELEASE PROPERTY on the parties through
their counsels of record through the CM/ECF system.

This 9th day of February, 2015.

/s/ Wm. Matthew Suber
Wm. Matthew Suber